

EASTERN DISTRICT OF TEXAS

CIVIL ACTION NO. 1:17-CV-463

Respondent.

The court has conducted a *de novo* review of the objections asserted by petitioner. After careful consideration, the court is of the opinion the objections are without merit. Petitioner contends the Supreme Court's decision in *Sharbutt v. Vasquez*, 136 S.Ct. 2243 (2016), indicates sentences may be challenged in a Section 2241 petition. However, as *Sharbutt* was a nonsubstantive decision, it does not authorize a federal prisoner to challenge a sentence in a proceeding brought pursuant to Section 2241. *Carter v. Blackmon*, ___ F. App'x ___, 2018 WL

2041476, at *2 (5th Cir. Apr. 30, 2018). As petitioner has failed to show he was convicted of a nonexistent offense, his claim is not cognizable in a Section 2241 petition. *Reyes-Requena v. United States*, 243 F.3d 893, 904 (5th Cir. 2001).

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment shall be entered dismissing the petition.

SIGNED at Beaumont, Texas, this 14th day of May, 2018.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE